

**Steve Sussman**

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**From:** Patty Russo on behalf of Steve Sussman  
**Sent:** Tuesday, August 07, 2007 6:42 PM  
**To:** Keller, Bruce P.  
**Subject:** Jones/Radio One/CBS Radio

Bruce,

My client, Samuel L. Jones Jr., is to appear at the PBMC Comedy Show with Huggy Lowdown & Friends at the Hyatt Regency in Crystal City, Saturday, September 8, 2007. Stan Richards, the President of PBMC (Positive Black Men Coalition) attempted to run a 3-week promotion of such show on WPGC. On August 2<sup>nd</sup>, Ivy Savoy-Smith informed Mr. Richards by e-mail that WPGC would not accept the paid promotion.

The promoters would like to advertise such personal appearance on Radio One's Washington, D.C.'s stations. Such advertisements would encompass the following:

- Promos for the actual show and after-party, including "winning tickets" to the PBMC Comedy Show
- mentions -- "come see Huggy Lowdown at the Hyatt Regency Crystal City"
- sound bites of Huggy doing jokes -- which do not contain reference to either the name Huggy Lowdown or reference to (or the voice of) any other person such as Tom Joyner

Although we do not read the preliminary injunction as prohibiting such paid promotional advertisements, we would like your views in the matter (inasmuch as we wish to avoid any further controversy concerning adherence to the preliminary injunction order). Inasmuch as such promotion is intended to begin no later than Saturday, August 11<sup>th</sup>, I would ask for your response prior to such time.

Thank you.

Steve Sussman

8/10/2007

**Steve Sussman**

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**From:** Keller, Bruce P. [bpkeller@debevoise.com]  
**Sent:** Wednesday, August 08, 2007 11:27 AM  
**To:** Steve Sussman  
**Subject:** RE: Jones/Radio One/CBS Radio

Steve--

Last week we discussed settling this case, as we represented to Judge Peck we would. During our discussion, we contemplated arriving at a set of rules that both sides could agree would not violate the preliminary injunction, the terms of which would be permanently set in place as part of any settlement. This would eliminate the possibility of a repeat of the type of mistake that occurred the day after the injunction issued and avoid the need to burden the Court with contempt motions. You subsequently indicated that you were not the best person to handle such discussions for Radio One, but that Radio One would do that itself.

Yesterday, Steve Lerman attempted to speak with Radio One about settlement but made little progress. Instead, he was lectured on how Judge Jones' ruling was in error and how strong Radio One's appeal prospects were.

Under the circumstances, we are not inclined to hold piecemeal settlement discussions. Suffice it to say that there have been no Huggy Lowdown personal appearance advertisements on the radio in DC since April, when he was still on WPGC. We are legitimately concerned that this request, so soon after he has gone on air for Radio One and tied to actual recordings of his jokes, is simply another attempt to allow Radio One to benefit from an express use of the mark "Huggy Lowdown" while the injunction is in place. We therefore have questions about this proposed ad that, in the course of bona fide settlement discussions, we would hope to get answered. If Radio One wants to have the type of fruitful discussions you and I contemplated, it can contact Mr. Lerman, who would be prepared to attempt to resolve the concerns raised by your email, along with all other issues. There is ample time to do so before August 11. Absent that, we will have to reserve our client's rights to enforce the injunction.

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**Steve Sussman**

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**From:** Steve Sussman  
**Sent:** Wednesday, August 08, 2007 12:28 PM  
**To:** 'Keller, Bruce P.'  
**Subject:** RE: Jones/Radio One/CBS Radio

Bruce,

I've passed along your email to Radio One, and will let you know whether I am authorized to participate in settlement discussions. Contrary to your recollection, I thought it was your client who wished to initiate direct discussions with RO (through Mr. Lerman to Ms. Vilardo).

Hopefully, the matter can be settled. If not, the "reservation of rights" keeps us in limbo re the requested promotions.

Steve

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**Steve Sussman**

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**From:** Keller, Bruce P. [bpkeller@debevoise.com]  
**Sent:** Wednesday, August 08, 2007 6:38 PM  
**To:** Steve Sussman  
**Cc:** naomi.waltman@cbs.com; Steven A. Lerman; Linda D. Feldmann  
**Subject:** RE: Jones/Radio One/CBS Radio

Steve--We have a more serious problem to address than even the personal appearance ads for Mr. Jones. I am bringing it to your attention because Radio One has yet to notify us who, besides you, is attending to their interests in this case. In today's broadcast, Tom Joyner referred to "Huggy" after Jones hung up. Joyner and the other DJ's were still laughing and making comments about Jones' summary of Barry Bond's home run hit.

Joyner took a breath, then sighed, and said "Huggy, Huggy, Hug - I mean Celebrity Snitch formerly known as."

This isn't even a close call--it is contempt pure and simple. Unless Radio One intends to settle this case at once, there is no ambiguity or limbo effect to our reservation of rights to bring this issue, along with our views on the ads you described, to Judge Jones' attention. Please let me know at once how Radio One wishes to proceed.

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**Steve Sussman**

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**From:** Steve Sussman  
**Sent:** Thursday, August 09, 2007 9:56 AM  
**To:** Keller, Bruce P.  
**Cc:** Victor Rivera  
**Subject:** RE: Jones/Radio One/CBS Radio

Bruce,

First, with "full reservation of rights" concerning the scope of the extant Order, the show is live and, thus, the possibility of "loose" comments, especially by persons not under Radio One's direct control, always exists. As soon as I reviewed your email, I contacted Radio One, and references to "Huggy, Huggy, Hug ..." have been deleted from the WMMJ website. And the producers of the Joyner show have, once again, been contacted by Radio One and asked to remind Mr. Joyner of the prohibition against use of the HUGGY LOWDOWN mark. (For your information, Mr. Jones' father passed away yesterday and the Joyner show today, and again tomorrow, will broadcast repeats of prior appearances by Mr. Jones.)

My firm has been retained by Radio One to make a special appearance on its behalf to seek dismissal of the action as against it, and modification, of the extant Order on the basis of lack of personal jurisdiction. Such papers are to be filed today. In addition, I am also authorized to discuss settlement on behalf of both Mr. Jones and Radio One (should you wish to become involved in the process). With further regard to settlement, I am advised that settlement discussions involving Mr. Lerman left off with Mr. Lerman's statement that he would get back to whomever he was having discussions with, and he has not yet done so.

Finally, the personal appearance by Huggy Lowdown in Crystal City has been booked for six months. Without the ability to promote the show on radio, the promoters are of the firm view that they, and Mr. Jones, will take an economic hit. Unless we can resolve such issue today, it will be brought to the attention of the Court tomorrow.

I am out of the office today and tomorrow, but will be available by cell (917 881 9586) and land line (518 587 6555), and, of course, by email. In my physical absence from the office, Victor Rivera Jr. is handling the matter, and you can speak with him if you wish.

Regards,

Steve

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